

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 471
By: Patterson et al. (Schwertner)
Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 471 provides new paid leave protection for first responders to protect against early termination of a first responder injured in the line of duty.

C.S.H.B. 471 requires a county or municipality to provide full paid leave of absence for first responders for at least one year and ensures a first responder shall be reinstated to their same rank after recovering, provided they are able to perform the same essential functions. C.S.H.B. 471 removes from the introduced version authorization to extend the paid leave beyond one year and removes coverage for illnesses and injuries not related to the line of duty. C.S.H.B. 471 strikes presumption provisions related to tobacco use and heart attack and stroke presumption eligibility for first responders.

C.S.H.B. 471 amends current law relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 5, Local Government Code, by adding Chapter 177A, as follows:

CHAPTER 177A. ILLNESS OR INJURY LEAVE OF ABSENCE FOR FIREFIGHTERS, POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL OF POLITICAL SUBDIVISION

Sec. 177A.001. DEFINITIONS. Defines "emergency medical services personnel," "firefighter," and "police officer."

Sec. 177A.002. EFFECT ON LABOR AGREEMENTS. Requires that a collective bargaining, meet and confer, or other similar agreement that provides a benefit for an ill or injured employee, notwithstanding any other law, including certain sections, provide a benefit that, at a minimum, complies with this chapter.

Sec. 177A.003. LINE OF DUTY ILLNESS OR INJURY LEAVE OF ABSENCE. Requires a political subdivision to provide to a firefighter, police officer, or emergency medical services personnel a leave of absence for an illness or injury related to the person's line of duty. Provides that the leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. Requires the political subdivision, if necessary, to continue the leave for at least one year.

Sec. 177A.004. RETURN TO DUTY. (a) Authorizes a firefighter, police officer, or emergency medical services personnel, if able, to return to light duty while recovering from a temporary disability. Authorizes the light duty assignment, if medically necessary, to continue for at least one year.

(b) Requires a firefighter, police officer, or emergency medical services personnel, after recovery from a temporary disability, to be reinstated at the same rank and with the same seniority the person had before going on temporary leave, provided that the person can perform the essential functions of the job with or without reasonable accommodation.

SECTION 2. Amends Section 504.051(a), Labor Code, to require that benefits provided under Chapter 504 (Workers' Compensation Insurance Coverage for Employees of Political Subdivisions) be offset, to the extent applicable, by any amount for incapacity received as provided by Chapter 177A, Local Government Code.

SECTION 3. Makes application of Section 177A.002, Local Government Code, as added by this Act, prospective.

SECTION 4. Makes application of Section 504.051(a), Labor Code, as amended by this Act, prospective.

SECTION 5. Effective date: upon passage or September 1, 2023.